

REMARKS

Claims 1 – 20 are pending in the Application.

Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 57, 63, 64 and 66 of copending Applicant No. 10/396,028. A terminal disclaimer to overcome the provisional rejection is enclosed herewith. Accordingly, withdrawal of the rejection is requested.

Claims 3-5, 9-11, 15-17 and 20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of Thomas U.S. Patent 6,582,798 B2 in view of Tsuji et al. U.S. Patent No. 6,090,089 ("Tsuji"), Murakami et al. U.S. Patent No. 5,268,213 ("Murakami") and Sorensen U.S. Patent No. 4,327,730 ("Sorensen"). A terminal disclaimer in accordance with 37 CFR 3.73(b) and a Statement under 37 CFR 3.73(b) are enclosed herewith. Remarks as to the references are presented below. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claims 1-2, 6-8, 12-14, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji in view of Murakami et al. and Sorensen. Applicant respectfully traverses the rejection.

Tsuji has transversely extending ribs – that is, the ribs are extending in a direction perpendicular to that of the claims. In the claims of the instant application, the "stroking direction" is as referenced in the specification at page 8 lines 26-27: "...For purposes of this application, the stroking direction (SD) shall be defined as the direction along a

length of an end product, e.g., feminine napkin or the like.” See also Figure 1. Yet the Tsuji reference has a transverse orientation for its ribs:

With the topsheet 1 adapted to be used in a manner as shown by FIG. 1 with the transversely extending ribs 11, the napkin is readily curved longitudinally of the body of a wearer as the napkin is held against the vaginal opening of the wearer. In addition, the presence of the ribs 11 serves to prevent longitudinal creases from forming on the topsheet 1. Consequently, the napkin evenly fits to the body of the wearer around her vaginal opening and does not give her an uncomfortable feeling during wear. Furthermore, such topsheet is advantageous also in that, while the crests 13 of the respective ribs 11 are put in contact with the skin of the wearer as the napkin is worn, the planar portions 14 remain spaced from the skin of the wearer and thereby aeration channels (grooves) are formed between each pair of the adjacent ribs 11 extending transversely of the napkin. (Col. 3 lines 49-64)

See also Figure 1 of Tsuji.

With all due respect Tsuji does not teach orientation in the direction of the stroking direction.

Murakami does have ribs, as the Examiner has noted in the transverse direction. However, and unlike the instant claims, Murakami does not teach and has no reference to: “stroking direction,” “transverse direction,” or raising “a majority” of the stroking direction lands with respect to a transverse direction. Nor is there any teaching that one direction of the crossed rib structure should be considered a stroking direction, nor even a mention of stroking direction. Accordingly, it is submitted, the reference should not bar patentability of the instant claims.

Because Tsuji teaches ribs in a transverse direction and Murakami in a machine direction, it is submitted, any proposed combination of both could either have ribs in both directions or neither direction (each direction canceling out the other.) That proposed combination would destroy either reference. Nor could it be used to claim the instant claims are obvious.

Sorensen does not add anything to the combination either. It has no apertures, holes or slots. Therefore, any such combination – along with the deficiencies obtained through the proposed combination of Tsuji and Murakami above – would have Sorensen's nubbles on top of a series of ribs proceeding either in both directions or no direction, and possibly have or not have apertures. Accordingly, the proposed combination would destroy each reference.

Finally, none of the references teaches, suggests nor discloses the proposed combination.

Claims 3-5, 9-11, 15-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji in view of Murakami et al. and Sorensen as applied to claims 1-2, 6-8, 12-14, 18-19 and further in view of Faelten U.S. 2,304,632 ("Faelten"). Applicant respectfully traverses the rejection.

The remarks above with regard to Tsuji, Murakami and Sorensen are also applicable here. In addition Faelten which has no apertures, holes or slots would result in an even more difficult, unworkable combination, as its wrinkles would be interposed with the nubbles of Sorensen, on top of the ribs, which may be in either or no direction as taught by the proposed combination of Tsuji and Murakami. Accordingly, the proposed combination therefore would destroy each reference.

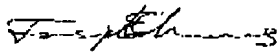
Finally, none of the references teaches, suggests nor discloses the proposed combination.

Accordingly, Applicant respectfully submits that all the claims are allowable and requests that all the rejections be withdrawn and the claims allowed to proceed to issue.

CONCLUSION

Therefore, for the reasons given above, Applicant submits the application is now in condition for allowance and Applicant respectfully requests early issuance of the Notice of Allowance.

Respectfully submitted,


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